



AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation for approval of change to Chapter 5.08 Alcoholic Beverages adding Class E-5 license category

Presenter: Chief Lamkin

Please check appropriate box:

X	Government Operations (8/15/11)		Government Services
	Planning & Development		City Council
	Public Hearing		

Estimated Cost: Budgeted: YES X NO

If NO, please explain how item will be funded:

Executive Summary:

The Harley Davidson dealership has new ownership since June 2011, with the dealership now known as Fox River Harley Davidson. The owner is Ozzie Giglio who has other dealerships in the Chicagoland area. Mr. Giglio has expressed interest in hosting various events at the dealership, similar to events he hosts at their Palatine and Villa Park locations. These events are mainly held in the building by invitation only to customers. They vary from new owner orientations, service seminars, women only events and some charity fund raising events. In the private parties, refreshments are served which have included beer or wine, and the attendance is not open to the general public. In addition each year they host other larger events that may be on the property either inside or outside of the building. Those events may draw larger crowds, and include food, entertainment, motorcycle accessory vendors, radio personalities or celebrity autograph signing. These may include charitable fund raising motorcycle runs as well. In the cases of the larger events beer or wine is generally sold as part of the refreshments. Mr. Giglio indicates in the other communities a class of liquor license has been available to his business to conduct these events. He already has BASSETT trained personnel and will follow the other requirements as directed by the Liquor Code. Mr. Giglio has represented these events contribute to the overall success in operating the Harley dealership and contribute to the active Harley motorcycling experience in keeping the business successful.

Staff has directed Attorney Tom Good to draft a Class E-5 addition to accommodate this request. It would be available to this business for the purpose of the events as outlined above. The annual license fee is \$500.00. It allows for similar police oversight as other alcohol-related operations in the City.

Attachments: (please list)

Ordinance

Recommendation / Suggested Action (briefly explain):

Recommend the City Council approve an Ordinance Amending Title 5 "Business License and Regulations," Chapter 5.08 "Alcohol Beverages" of the St. Charles Municipal Code – Fox River Harley Davidson.

For office use only:

Agenda Item Number: 4a

City of St. Charles, Illinois
Ordinance No. _____

**An Ordinance Amending Title 5 “Business License and Regulations,”
Chapter 5.08 “Alcoholic Beverages” of the St. Charles Municipal Code –
Fox River Harley Davidson**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST.
CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.090(E), "License Classifications; Class E – Temporary Licenses", of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety, and in lieu thereof the following language shall be substituted:

“E. Class E – Temporary Licenses

Class E licenses shall authorize the retail sale of beer and wine (or alcoholic liquors if permitted by a Class E-1, E-4 or E-5 license) for consumption on the premises only and only for special events or catered functions where the dispensing of food predominates. In his discretion, the Local Liquor Control Commissioner may issue two (2) or more Class E licenses so as to authorize and delineate two (2) or more licensed premises to operate in conjunction with any such special event or catered function. Class E licenses are divided into the following sub-classes:

- E-1. Class E-1 licenses shall authorize, at the Local Liquor Control Commissioner's sole discretion, either the retail sale of beer and wine or the retail sale of alcoholic liquors for consumption on the premises only. Class E-1 shall be issued to not-for-profit applicants only, for special events or catered functions, where the dispensing of food predominates. Applicants for Class E-1 licenses shall be limited to St. Charles organizations or groups, unless the Local Liquor Control Commissioner in his sole discretion approves otherwise. There shall be no Class E-1 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.
- E-2. Class E-2 licenses shall authorize the retail sale of beer and wine for consumption on the premises only. Class E-2 licenses shall be issued to only Class B and Class C liquor licensees for special events or catered functions where the dispensing of food predominates. There shall be no Class E-2 licenses issued during the second full week of October, beginning at 12:00 a.m. Friday and ending 12:00 a.m. Monday. Notwithstanding the restrictions on the issuance of Class E-2 licenses during the second full week of October as described above, Class E-2 licenses may be issued during said period subject to the following provisions:

1. A Class E-2 license may be issued only in the event the principal street access in front of the licensed premises is blocked due to road closure resulting from a festival taking place during said October period;
 2. In addition to all other conditions and restrictions applicable to Class E-2 licenses, the Local Liquor Control Commissioner may impose such additional conditions and/or restrictions as he deems necessary; and
 3. The Local Liquor Control Commissioner may, in his sole discretion, waive or vary any conditions and/or restriction applicable to a Class E-2 license, if deemed appropriate under the circumstances.
- E-3. The Class E-3 license shall authorize the retail sale of beer and wine for consumption on the premises only. The Class E-3 license shall be issued solely to the Kane County Fair Board for the conduct of the annual Kane County Fair during July of each year. The Class E-3 license shall be valid only for the scheduled dates of the Kane County Fair as determined by the Local Liquor Control Commissioner.
- E-4. Class E-4 licenses shall authorize at the Local Liquor Control Commissioner's discretion, and subject to prior approval by the City Council, either the sale or delivery of beer and wine, or alcoholic liquors, for consumption on City owned property, including but not by way of limitation, 1st Street Plaza. There shall be no Class E-4 licenses issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.
- E-5. Class E-5 licenses shall authorize, at the Local Liquor Control Commissioner's sole discretion, either the sale or delivery of beer and wine or alcoholic liquors, for consumption on the premises only. The Class E-5 license shall be issued solely for the conduct of not more than twenty (20) days of events that the Local Liquor Control Commissioner and Chief of Police deem licensable per license year at a specific premises. Such license shall be issued solely for a specific premises that is open to the public and kept, used, maintained, advertised and held out to the public as a place where retail business activities or operations are conducted, other than the sale of alcoholic liquor. Events shall be permitted solely on such dates and during such times as are set forth in any Class E-5 license issued.

In the event any Class E license (with respect to any Class E-5 license, if required in whole or in part by the Local Liquor Control Commissioner or Chief of Police) is for an out of doors special event or catered function, the following shall apply, in addition to all other requirements:

1. The license shall rope off or fence the licensed premises.
2. A sign limiting beer and wine (or alcoholic liquors if permitted by a Class E-1 or Class E-4 license) consumption to the roped off or fenced area shall be prominently displayed by licensee at all times.
3. The license shall provide for the pickup of all litter and trash.
4. The Local Liquor Control Commissioner, in consultation with the Chief of Police, shall designate on each license issued the number of St. Charles police personnel and/or adult members of the licensee required

to be present on the licensed premises at all times beer and wine (or alcoholic liquors if permitted by Class E-1 license) is being served, to supervise liquor sales and check identification of persons. The licensee shall be responsible for any and all compensation of police personnel at the then current overtime rate. The licensee shall be required to post a cash deposit to secure the payment of such estimated compensation. If said deposit does not cover actual amount due, licensee is responsible for any balance due.

5. A tamper proof wrist band, of a design and in a color (a separate color must be used for each day) approved by the Chief of Police, or his designee, shall be placed on the wrist of each person eligible to purchase beer or wine (or alcoholic liquors if permitted by a Class E-1 license) prior to that person being given access to the licensed premises. Minors shall not be permitted in any licensed premises. Notwithstanding the foregoing, the Local Liquor Control Commissioner may, in his sole discretion and as designated in any license, permit minors to be present in a licensed premises where food is also served.

The Local Liquor Control Commissioner may, in his sole discretion and as designated in any license, impose such other and further conditions, as the Local Liquor Control Commissioner deems necessary. The Local Liquor Control Commissioner may permit entertainment as specifically authorized with the issuance of any Class E license.”

SECTION TWO: That Title 5, "Business Licenses and Regulations", Chapter 5.08, "Alcoholic Beverages", Section 5.08.100(A), "License Fees; Fees Established", of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety, and in lieu thereof the following language shall be substituted:

“A. Fees Established. The fees for the various classes of local liquor licenses authorized in this chapter shall be as follows:

Class License	Initial License Fee	Annual Renewal Fee
A-1	\$3,200.00	\$1,600.00
A-2	3,200.00	1,600.00
A-3	3,200.00	1,600.00
A-4	3,200.00	1,600.00
A-5	3,400.00	1,800.00
B-1	2,400.00	1,200.00
B-2	3,200.00	1,600.00
B-3	5,200.00	2,600.00 (live entertainment may be permitted)
B-4	2,400.00	1,200.00
B-5	2,400.00	1,200.00
B-6	3,400.00	1,800.00
C-1	2,600.00	1,300.00
C-2	5,200.00	2,600.00

		(live entertainment may be permitted)
C-3	2,400.00	1,200.00
C-4	2,800.00	1,500.00
D-1	8,000.00	4,000.00
D-2	4,000.00	2,000.00
D-3	4,000.00	2,000.00
D-4	2,000.00	1,000.00
D-5	4,000.00	2,000.00
D-6	4,000.00	2,000.00
E-1	50.00	50.00
E-2	100.00	100.00
E-3	50.00	50.00
E-4	100.00	100.00
E-5	500.00	500.00

SECTION THREE: That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.110, “Number of Licenses”, of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety and in lieu thereof the following language shall be substituted:

“5.08.110 Number of Licenses.

The number of local liquor licenses shall not exceed the following:

<u>Class License</u>	<u>Maximum Authorized</u>
A	21
B	52
C	8
D	11
E-1	Liquor Control Commissioner’s discretion
E-2	Liquor Control Commissioner’s discretion
E-3	Liquor Control Commissioner’s discretion
E-4	Liquor Control Commissioner’s discretion
E-5	Liquor Control Commissioner’s discretion

SECTION FOUR: That Title 5, “Business Licenses and Regulations”, Chapter 5.08, “Alcoholic Beverages”, Section 5.08.130, “License – Hours of Sale”, of the St. Charles Municipal Code, be and the same is hereby deleted in its entirety and in lieu thereof the following language shall be substituted:

“5.08.130 License – Hours of Sale.

- A. It shall be unlawful for any person holding a Class A-1, A-2, A-3, A-4 or A-5 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises any alcoholic liquor prior to the hour of 7:00 a.m. and after the hour of 10:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and prior to the hour of 10:00 a.m. and after the hour of 10:00 p.m. on Sunday except where December 24 or December 31 occurs on a Sunday, then alcoholic liquor sales shall be unlawful prior to the hour of 8:00 a.m. and after the hour of 10:00 p.m.

- B. It shall be unlawful for any person holding a Class B-1, B-2, B-3, B-4, B-5, B-6, C-1, C-2, C-3 or C-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. Notwithstanding the foregoing, on New Year's Eve in any given year, license holders shall be permitted to remain open to sell alcoholic liquor until 3:00 a.m. New Year's Day.
- C. It shall be unlawful for any person holding a Class D-1 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; between the hours of 3:00 a.m. and 7:00 a.m. on Saturday; and between the hours of 3:00 a.m. and 10:00 a.m. on Sunday. Notwithstanding the foregoing, on New Year's Eve in any given year, license holder shall be permitted to remain open to sell alcoholic liquor until 3:00 a.m. on New Year's Day.
- D. It shall be unlawful for any person holding a Class D-2, D-4, D-5 or D-6 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
- E. It shall be unlawful for any person holding a Class D-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday. Notwithstanding the foregoing, on New Year's Eve in any given year, license holders shall be permitted to remain open to sell alcoholic liquor until 3:00 a.m. New Year's Day.
- F. It shall be unlawful for any person holding a Class E-1 or E-3 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 11:00 p.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, except as otherwise authorized by the City Council.
- G. It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
- H. It shall be unlawful for any person holding a Class E-5 license issued pursuant to this chapter to sell or deliver, in or upon any licensed premises, any alcoholic liquor, except during those hours as specifically set forth in said Class E-5 license."

SECTION FIVE: That after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form pursuant to the authority of the City Council, or (ii) within thirty (30) days after the adoption and approval hereof, be

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published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION SIX: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2011.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2011.

APPROVED by the Mayor of the City of St. Charles, Illinois, this ____ day of _____, 2011.

Donald P. DeWitte, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____

APPROVED AS TO FORM:

City Attorney

DATE: _____